

**AUBURN CITY COUNCIL MINUTES  
REGULAR SESSION**

**September 25, 2006  
Regular Session 6:00 p.m.**

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Mike Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Council Members Present:** Kevin Hanley, Keith Nesbitt, Bridget Powers, Bob Snyder, Mike Holmes

**Council Members Absent:** None

**Staff Members Present:** City Manager Bob Richardson  
City Attorney Michael Colantuono  
Public Works Director Jack Warren  
Engineering Division Manager Bernie Schroeder  
Community Development Director Will Wong  
Finance Director Andy Heath  
Code Enforcement Officer Jennifer Solomon

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/  
ANNOUNCEMENTS**

Mayor's Proclamation: International Walk to School Week  
Mayor Holmes thanked the 450 to 500 volunteers who worked at Recreation Park for Project Auburn. He was pleased to see a large number of students who participated.

Mayor Holmes said he issued a challenge to the Mayor of Colfax. Placer High School will be playing Colfax High School on October 27<sup>th</sup> in the first league game ever. The loser will buy dinner at a suitable restaurant. The Mayor of Colfax has not yet responded.

## AGENDA APPROVAL

Item 6 was moved to the end of the Agenda.

## CONSENT CALENDAR

### 1. Minutes

By **MOTION** approve City Council Minutes of August 14, 2006.

### 2. 2006-2007 Street Overlay Phase 1 Project

By **RESOLUTION 06-119** authorize the Public Works Department to execute a construction contract with Teichert Construction for the 2006-07 Street Overlay Phase 1 Project for an amount not to exceed \$466,651.90.

### 3. Authorization for the Fire Department to Purchase One New Utility Fire Vehicle

By **RESOLUTION 06-120** authorize the Fire Chief to proceed with the Fire Department purchase of one (1) new utility fire vehicle.

### 4. Citywide Information Technology Software Licensing

By **RESOLUTION 06-121** authorize the City Manager or his designee to execute a purchase order with CDW Government, Inc. for 100 Microsoft Windows XP Pro Site Licenses; 80 Microsoft Office Standard Application Suite Site Licenses; and 20 Microsoft Office Professional Application Suite Site Licenses in an amount not to exceed \$42,980.44.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar. **MOTION: Hanley/Snyder  
Approved 5:0**

### 5. Public Comment

Local businessman Brian Haynes said that America is losing businesses and business people. The economy is becoming a service economy. He would like the Council to send a Thank You card to the business people in Auburn to show the appreciation of the Council and the citizens.

Mayor Holmes said this session of the Council would be adjourned in memory of Andrew Harley who was recently killed in Iraq.

Council Member Hanley asked that an item be placed on the next agenda that would deal with the sewer lift station on Canyon Drive.

Rich Munster and Tom Faciana, who live on Canyon Drive, also asked that this be put on the next agenda. They expressed concerns about the aesthetics and the generator noise and location.

## **PUBLIC HEARING**

6. **Appeal by California Trends Builders Group Inc. of the Planning Commission's Denial of the Auburn Bluffs Subdivision – 1120 Lantern View Drive – Files SUB 04-1; UP 04-1; and TP 04-1** .

This item was discussed following item 9.

Mayor Holmes recused himself from this item and left the Council Chambers because he has property adjacent to the Auburn Bluffs subdivision. Vice Mayor Snyder chaired the hearing.

Marcus Lo Duca, attorney for the appellant, said his client had worked to address all the concerns before, during and after the Planning Commission hearing and agreed to 14 new conditions. These conditions included reducing the number of homes from 33 to 30, preserving more trees and architectural requirements. He said they had talked to residents on all sides of the project and changed some plans to meet their concerns.

**Neighboring residents voiced the following concerns:**

Robert Knepp said he is a member of the homeowners association. When it came time to meet with the developer, only 2 of the 19 members could go. The Planning Commission denied the application by a vote of 5 to 0. Even the developer must have agreed with the Commission's vote, or else they would not have changed the plan before this appeal. The Council Members should consider the 5 to 0 vote by the Planning Commission as unambiguous and should follow their recommendation to deny the appeal.

Angie Eugenio said she was concerned about the Americans with Disabilities Act (ADA). Also the biological resources survey needs further assessment. Deny the appeal.

Karen Azama-Kihara said 42% of the trees would be removed or in danger of removal.

Larry Wallis said the community has a view and wildlife. This will go away. Deny the appeal.

Anita Zanotto said the Council should listen to the people and the Planning Commission. The drainage is not adequate now and what the developer has proposed is out of place with the surrounding community. Deny the appeal.

Rodney Kihara said lots 1 through 11 present a fire hazard not addressed properly by developer or the City. They also present an increased risk due to the slope of the land and the proximity of the houses to each other and that there are no fire trails.

Lisa Hickey stated concern regarding emergency access and that residents will try to use the existing Auburn Bluffs town home facilities.

John Steenkolk spoke about the drainage issue. Deny the appeal.

Patty Fitch expressed concerns about parking, the width of the proposed lots and the narrow street. Deny the appeal.

Gary Jargantos stated that the footprint of the residences will be much larger than the condominiums and that the residence shown in the drawing is not accurate.

Gary Hughes said the currently proposed building guidelines and allowances will create a project with so much flexibility that the details can and will be easily undermined due to the current lack of strong details and the conditions of approval. Deny the appeal.

Nancy Thomas said her home would look down into the new homes and their yards. She was very concerned about their privacy and about the concerns expressed above. Deny the appeal.

Steve Sheldon said the drainage is inadequate and this development would only make it worse. Deny the appeal.

Melinda Robinson wondered about the lack of CC&R's in the new development and how it would affect where she lives. Deny the appeal.

Applicant response:

Attorney Marcus Lo Duca said the developer had met all the Fire Department's requirements. He also said that the drainage issues were offsite. He asked that this appeal be continued in order to work out the issues brought up this evening.

Council Discussion:

Kevin Hanley said the Planning Commission did not have a chance to review the changes that were made since their decision. The developer should start over. Deny the appeal.

Keith Nesbitt said we should consider the maximum square footage rather than focus on the minimum. Either redesign the project or go for a full-blown environmental report. Deny the appeal.

Bridget Powers said the developer talked to the neighbors only after the Planning Commission turned him down. The developer should start over.

By **MOTION** deny appeal and affirm decision of Planning Commission denying the project. **MOTION: Nesbitt/Hanley/Failed 2:2/No: Powers, Snyder/Absent: Holmes**

Bob Snyder said this item should be remanded back to the Planning Commission to resolve the issues.

By **MOTION** remand to the Planning Commission. **MOTION: Powers/Snyder/Motion failed; 2:2/No: Nesbitt/Hanley/Absent: Holmes**

Kevin Hanley said remanding this to the Planning Commission does not send the right message. The developer's attorney was asking for a continuance *"because they did not do their due diligence in the beginning to completely and thoroughly look at all the issues, including the drainage. And so I don't think we should reward someone for not doing due diligence. They had the opportunity to fully investigate all the possible ramifications of the project before they got to the Planning Commission. They didn't do it. They made significant proposed changes after the Planning Commission. They still didn't reach out adequately and talk to people who know about the drainage problem."*

Bob Snyder disagreed. He said there are two drainage issues. One is from the houses, which has been an issue all along. He said; *"As an engineer, there are solutions to that."* The second drainage issue manifested itself in the past week. So it couldn't

have been dealt with by the Planning Commission. The developer *"couldn't get a handle on it."* They don't have answers on that one. There are some unknowns. Mr. Snyder added that he was not prepared to penalize the developer for not solving that problem.

Keith Nesbitt said he didn't think there was an adequate study of the project from environmental, health and safety standpoints.

Mayor Pro Tem Snyder asked the City Attorney for suggestions in light of tie votes. City Attorney Colantuono suggested the Council might wish to remand the project to the Planning Commission to treat as a new application with a completed application date as the date the modified project was submitted to the City following the Planning Commission's decision.

By **MOTION** continue the project indefinitely until there are answers to the drainage and environmental issues. **Snyder/No second/ Motion failed.**

Council Member Nesbitt said the project needs to be redesigned, not fine-tuned. Bring back a new project.

Council Member Hanley agreed.

By **MOTION** remand the project to the Planning Commission with instructions that it be treated as a new application and instruct staff to issue a notice of completion of that application as of the date the new project was described. **MOTION: Nesbitt/Hanley/Approved 4:0/Absent: Holmes**

## **REPORTS**

### **7. Placer County Supervisor Jim Holmes Report on Placer County**

Placer County Supervisor Jim Holmes said the County would be expanding its services to accommodate the growing population. He outlined the plans for future services and construction. He spoke about the Highway 49 Improvement Project, other road projects, new businesses to be built and the new residential subdivisions coming to North Auburn.

### **8. State Theater Report – Paul Ogden**

Paul Ogden, Performing Arts Center President, reported to the City Council on the progress of the State Theater renovation project. He

discussed the remodeling plans, the expansion plans, fund raising, donor support and how the City could offer its support.

9. **City Council Committee Reports**

Bridget Powers said the Endurance Capital Endurance party would take place on October 4<sup>th</sup>.

Mike Holmes said that the Sacramento Area Council of Governments (SACOG) received a Special Achievement award for the best local government collaboration. Special recognition was given to Stacey Larson for her participation. On November 16<sup>th</sup> the Metropolitan Transportation Plan 2030 will be holding a workshop as a follow-up on their blueprint plans. The meeting will take place at the Rocklin Sunset Center. There will be video and audio links with eight other locations within the Greater Sacramento area. This will give the public an opportunity to give their input to the transportation plan for this area.

**ADJOURNMENT** at 10:30 p.m.

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Mike Holmes, Mayor

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Joseph G.R. Labrie, City Clerk